

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

COOK LOGISTICS, LLC,
a Wisconsin limited liability company,
individually and as assignee of HITEC
POWER PROTECTION, INC.,

Plaintiff,

v.

Case No. 2:19-cv-1620

EQUIPMENT EXPRESS, INC.,
a Canadian corporation,

Defendant.

JOINT STATUS REPORT PURSUANT TO FRCP 26(f)

NOW COMES Plaintiff, COOK LOGISTICS, LLC (“Plaintiff”), and Defendant, EQUIPMENT EXPRESS, INC. (“Defendant”), by and through their respective counsel, and for their Joint Status Report submitted pursuant to Federal Rule of Civil Procedure 26(f) and this Court’s December 9, 2020 Order, state as follows:

1. Statement of the Nature of the Case

This matter arises out of the transportation of telecommunications/electronics components (the “Freight”) from Hamilton, Ontario, Canada to Redmond, Washington in or about February 2019. Plaintiff is a broker in interstate commerce and brought this claim, asserting it is the assignee of the original shipper, Hitec Power Protection, Inc., against Defendant, seeking liability under the Carmack Amendment and common law breach of

contract for alleged damage to the Freight during the course its transport. Defendant has denied liability for any such damage.

2. Amendment of Pleadings

Neither party expects to amend the pleadings, at this time.

3. Joining Additional Parties

Neither party has immediate plans to join any additional parties at this time, although discovery may reveal the necessity for joinder of third parties associated with the transportation (e.g., the company who provided shrink-wrapping of the freight).

4. Discovery Plan

The parties anticipate 2-3 party depositions per party, with additional non-party witness depositions, to be conducted in Wisconsin, Ontario, Washington, and, possibly, Texas. The parties have discussed the prospect of conducting depositions remotely and intend to utilize the Court's protocols for remote depositions in that regard. Because many of the documents likely to be involved in discovery could contain confidential business information (including, for example: freight charges, brokerage rates, party agreements/contracts, and confidential information regarding the freight itself), the parties anticipate seeking a protective order pursuant to the proposed order template provided with the Court's local rules.

The parties have agreed to the following discovery completion dates:

- a. Rule 26(a)(1) Disclosures: February 1, 2021
- b. Completion of Fact Discovery: August 2, 2021
- c. Expert Disclosures:
 - i. Plaintiff Disclosures: September 3, 2021

ii. Defendant Disclosures: October 18, 2021

iii. Expert Depositions: December 17, 2021

5. Motions

Plaintiff does not anticipate filing any dispositive motions at this time. Defendant may file a motion for summary judgment, dependent on what is disclosed during discovery.

6. Jury Trial

Defendant filed a jury demand with its Answer on December 4, 2020.

7. Length of Trial:

The parties anticipate trial to last 2 weeks (10 trial days).

8. Other issues that might impact trial scheduling

Primary counsel for both Plaintiff and Defendant have small children and will be traveling from Illinois and Massachusetts, respectively, for trial. Counsel respectfully requests that child care and travel considerations be taken into account when scheduling the trial date(s).

9. Meet-and-Confer Statement

The parties hereby affirm that their respective undersigned counsel discussed the above-referenced matters via telephone and participated in the drafting and approval of this Joint Status Report together.

Respectfully submitted,

Counsel for Plaintiff,
COOK LOGISTICS, LLC

Counsel for Defendant,
EQUIPMENT EXPRESS, INC.

/s/ Ryan A. Mahoney

RYAN A. MAHONEY
Illinois Bar No.: 6275418
rmahoney@bwesq.com
BLITCH WESTLEY BARRETTE, S.C.
1500 Spring Road, Suite 120
Oak Brook, Illinois 60523
Telephone: (312) 283-4220

/s/ Beata Shapiro

BEATA SHAPIRO
Beata.Shapiro@wilsonelser.com
WILSON ELSEER MOSKOWITZ
EDELMAN & DICKER LLP
260 Franklin Street, 14th Floor
Boston, Massachusetts 02110-3112
Telephone: (617) 422-5300

/s/ Bridgette M. Blitch

BRIDGETTE M. BLITCH
Wisconsin Bar No.: 1113461
BLITCH WESTLEY BARRETTE, S.C.
9100 Conroy Windermere Road
Suite 200
Windermere, Florida 34786
Telephone: (407) 574-2835

/s/Andrea G. Jahimiak

ANDREA G. JAHIMIAK
Wisconsin Bar No.: 1115348
WILSON ELSEER MOSKOWITZ
EDELMAN & DICKER LLP
740 North Plankinton Avenue, Suite 600
Milwaukee, Wisconsin 53203
Telephone: (414) 276-8816

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 8, 2021, a true and correct copy of the foregoing was filed with the Clerk of Court via the CM/ECF System, causing a Notice of Electronic Filing to be sent to all counsel of record.

/s/ Ryan A. Mahoney
RYAN A. MAHONEY, ESQ.